

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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SENATE BILL DRS45136-NGa-62

Short Title: Revise, Study, and Fund LEP Allotment.

(Public)

Sponsors: Senators Meyer, Murdock, and Marcus (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO REVISE THE STUDENTS WITH LIMITED ENGLISH PROFICIENCY  
3 ALLOTMENT, TO REQUIRE THE STATE BOARD OF EDUCATION TO STUDY THE  
4 STUDENTS WITH LIMITED ENGLISH PROFICIENCY ALLOTMENT, AND TO  
5 APPROPRIATE FUNDS TO THE STUDENTS WITH LIMITED ENGLISH  
6 PROFICIENCY ALLOTMENT.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.(a)** For the 2023-2025 fiscal biennium, the State Board of Education  
9 shall develop guidelines for identifying and providing services to students with limited  
10 proficiency in the English language, as follows:

11 (1) The State Board of Education shall allocate these funds to local school  
12 administrative units and to charter schools under a formula that takes into  
13 account the average percentage of students in the units or the charters over the  
14 past three years who have limited English proficiency. The State Board of  
15 Education shall allocate funds to a unit or a charter school only if (i) average  
16 daily membership of the unit or the charter school includes at least 20 students  
17 with limited English proficiency or (ii) students with limited English  
18 proficiency comprise at least two and one-half percent (2.5%) of the average  
19 daily membership of the unit or charter school. For the portion of the funds  
20 that is allocated on the basis of the number of identified students, the State  
21 Board of Education shall not set a maximum number or percentage of  
22 identified students for whom a unit or charter school may receive funds.

23 (2) Local school administrative units shall use funds allocated to them to pay for  
24 classroom teachers, teacher assistants, tutors, textbooks, classroom  
25 materials/instructional supplies/equipment, transportation costs, and staff  
26 development of teachers for students with limited English proficiency.

27 (3) A county in which a local school administrative unit receives funds under this  
28 section shall use the funds to supplement local current expense funds and shall  
29 not supplant local current expense funds.

30 **SECTION 1.(b)** The Department of Public Instruction shall prepare a current head  
31 count of the number of students classified with limited English proficiency by December 1 of  
32 each year. Students in the head count shall be assessed at least once every three years to determine  
33 their level of English proficiency.

34 **SECTION 2.** The State Board of Education shall study the allotment for students  
35 with limited English proficiency (LEP), as enacted by Section 1 of this act. No later than  
36 December 31, 2023, the State Board of Education shall report the results of its study to the Joint



1 Legislative Education Oversight Committee and the Fiscal Research Division. The report shall  
2 include, at a minimum, the following information:

- 3 (1) Whether the current LEP allotment is aligned with resources needed to ensure  
4 that students with limited English proficiency have the opportunity to become  
5 proficient in English.
- 6 (2) A recommended funding factor to be included in the LEP allotment to account  
7 for the number of languages spoken by students in local school administrative  
8 units and charter schools.
- 9 (3) A recommended plan to foster more bilingual education programs in the State.
- 10 (4) Recommended funding models, with associated costs, to eliminate any  
11 achievement gap between students who are proficient in English and students  
12 with limited English proficiency.
- 13 (5) An analysis of the effects of eliminating in the LEP allotment any  
14 consideration of (i) the concentration of students with limited English  
15 proficiency and (ii) a minimum eligibility threshold. The analysis should  
16 include whether to eliminate any or all of these components of the LEP  
17 allotment and proposed alternative metrics for allotting these funds.

18 **SECTION 3.** There is appropriated from the General Fund to the Department of  
19 Public Instruction the sum of three million four hundred thousand dollars (\$3,400,000) in  
20 recurring funds for the 2023-2024 fiscal year to increase the students with limited English  
21 proficiency allotment.

22 **SECTION 4.** This act becomes effective July 1, 2023.